

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MARTINEZ-PENA,
CARLOS ALONSO CARRAZCO-PERALTA
and NAYSA BERMUDEZ-ULLOA,

Defendants.

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8:16CR142

ORDER

This matter is before the court on the motion to continue by defendant Carlos Alonzo Carrazco-Peralta (Carrazco-Peralta) (Filing No. 42). Carrazco-Peralta seeks a continuance of the trial of this matter scheduled for July 5, 2016. Carrazco-Peralta has filed an affidavit whereby Carrazco-Peralta consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Carrazco-Peralta's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted and **trial will be continued as to all defendants.**

IT IS ORDERED:

1. Carrazco-Peralta's motion to continue trial (Filing No. 42) is granted.
2. Trial of this matter **as to all defendants** is re-scheduled for **August 15, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 28, 2016, and August 15, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 28th day of June, 2016.

BY THE COURT:
s/ Thomas D. Thalken

United States Magistrate Judge